

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 05-cr-207-SM


Dominick Bailey

O R D E R

Government's Second Motion to Substitute (document no. 40) is granted. Defendant, Dominick Bailey, shall be examined by a psychiatrist or psychologist (at a facility other than the Federal Medical Center in Lexington, Kentucky) and a report prepared by the examiner designated by the United States Bureau of Prisons shall be filed with the court, and copies provided to government counsel and defense counsel. The report shall include expert opinions as to: 1) whether defendant is suffering from a mental defect or disease requiring custody for care or treatment in a suitable facility, 2) how the mental condition defendant may be suffering from should affect his sentence, and 3) what effect, if any, defendant's refusal to take medication has on his competency to stand trial. See 18 U.S.C. §§ 4244, 4247(c)(4)(D) and (E). Defendant shall provide the examining psychiatrist/psychologist with any prior written mental health evaluations.

Defendant is committed to the custody of the Attorney General for a reasonable period not to exceed thirty (30) days for placement in a suitable facility to facilitate conduct of the psychiatric/psychological examination.

SO ORDERED.



Steven J. McAuliffe
Chief Judge

May 23, 2006

cc: Robert Bloomenthal, Esq.
Sandra F. Bloomenthal, Esq.
Debra M. Walsh, Esq.
U.S. Marshal
U.S. Probation